IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL
ORIGINAL JURISDICTION

Dated : Nainital the 19th day of July 2005
Criminal Misc. Bail Application No. 627/2005
Order on the bail application of accused

CRIMINAL SIDE

1. Murari Lal S/o late Sri Gwanu
   R/o Gram Malli, Patti Gamri
   District Uttarkashi
2. Pooran Lal
   S/o Late Sri Mariya
   R/o Gram Chinyali
   Patti Bisht
   Tehsil Dunda
   District Uttarkashi ……Applicants

Versus

State of Uttaranchal …….Opposite Party

Arising out of case crime No.217/2005
U/s 308 I.P.C.
P.S. Dharasu
District – Uttarkashi

Hon'ble J.C.S. Rawat, J.

Heard Sri Bhagat Singh Negi learned counsel for the applicants and learned A.G.A for the State.

Perused the statement recorded under section 161 Cr.P.C. On the date of incident, the applicants and the injured were sitting together and they were eating and drinking prior to the alleged incident. The incident took place on the same day and no scuffle was held between them while they were eating and drinking. The learned counsel for the applicants contended that the injured became conscious only in the hospital, whereas in the statement recorded under section 161 Cr.P.C. he became conscious on the next day of the alleged incident when he found himself on the roof of one-Mansha Ram. The learned counsel for the applicants contended that if the injured was not in the conscious condition, he could have told to person who were present at the spot. It was further contended that there is a delay of six days in lodging the FIR. Considering the facts and totality of the circumstances of the case, it is a fit case for bail.

Let the applicants-accused be released on bail on executing a personal bond each and two sureties each in the like amount to the satisfaction of the C.J.M. concerned.

Dated 19.07.2005 (J.C.S. Rawat, J.)

LSR